THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 27350 of 2005

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DATED: 23.12.2005

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Between:

Pitla Amrutha

… Petitioner.

AND

The Revenue Divisional Officer,

Siddipet, Medak District & others.

… Respondents

ORDER:-

This writ petition is filed to declare the impugned notification dated 09.12.2005 issued by the 1st respondent, as illegal, arbitrary and violationof Articles 21 and 300-A of the Constitution of India and set aside the same.

The petitioner is the fair price shop dealer of Rudraram village, Mirdoddi Mandal, Medak District, in respect of shop No.2. On a complaint filed by the villagers that the petitioner is not residing in the village, the Mandal Revenue Officer, filed a report, dated 15.04.2005, stating that the petitioner got married and living with her husband at Naskal village and on the said report a show cause notice, dated 05.06.2005 was issued making certain charges that the petitioner is not residing in the village, she is running the fair price shop by another person and she has contravened the conditions of the authorization. The said notice was served on the petitioner on 29.06.2005 for which she submitted her explanation on 07.07.2005 stating that she herself is running the fair price shop and regularly distributing the essential commodities without any complaint whatsoever and she never committed any irregularities. It is further stated that she is staying at Rudraram village alone and she is having agricultural land to an extent of Acs.2-10 guntas in Sy.No.793/A. 794/A at Rudraram village and her husband is cultivating the said land. It is further stated that the complaint filed by the person is not at all a cardholder and it is only at the instigation of political parites to take coercive steps against her brother.

It is further stated that the petitioner is having a ration card in Rudraram village and also she is a voter of the same village having identity card No.AP/32/221/135197 issued in 1995 valid up to 2003. It is further stated that her name was also entered in the voters list of 2000 of Rudraram Gram Panchayat and also in the latest voters list, but without considering her explanation, her dealership has been cancelled by the Revenue Divisional Officer, Siddipet vide his proceedings, dated 30.09.2005.

Aggrieved by the said order, the petitioner preferred an appeal before the Collector, Civil Supplies, Medak. The Joint Collector by an order, dated 10.11.2005, dismissed the appeal holding that her name is also entered in the voters list of Naskal village and as per the enquiry report of the Mandal Revenue Officer, she is not residing in the Rudraram village.

It is further stated that when the Joint Collector visited Rudraram village on 30.09.2005, the petitioner was not found in the village and the said fact was also taken into consideration stating that the petitioner is not residing in the Rudraram village. The so called inspection of the Joint Collector on 30.09.2005 was not at all

mentioned in the cancellation order by the Revenue Divisional Officer.

Merely, because the petitioner was absent in the village for a single day, it cannot be assumed and presumed that she is not residing in the Rudraram village. However, a revision lies against the said order before the Collector under Clause 21 of the A.P. Public Distribution System Control Order 2001. Therefore, it is just and proper to direct the petitioner to file a revision before the revisional authority so as to enable the revisional authority to appreciate the relevant records and pass orders in accordance with law. It is stated that the appeal was dismissed by the appellate authority on 10.11.2005 and thereafter, the Revenue Divisional Officer issued a notification dated 09.12.2005 calling applications for the appointment of the said dealership on permanent basis.

Having regard to the facts and circumstances of the case, the petitioner is directed to file a revision before the District Collector under Clause 21 of A.P. Public Distribution System Control Order 2001, within ten days from today and on filing such revision the revisional authority may consider and dispose of the same in accordance with law after giving opportunity to the petitioner. Till then the notification, dated 09.12.2005, calling applications for permanent appointment of the fair price shop dealership stands stayed.

Accordingly, the writ petition is allowed. No order as to costs.

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23.12.2005

Note: Issue CC in three days.

B/o.

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